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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,170	03/27/2001	Mats Soderlind	34647-00431USPT	1896
27045	7590	04/27/2004	EXAMINER	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR C11 PLANO, TX 75024			GART, MATTHEW S	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 04/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/818,170

Applicant(s)

SODERLIND ET AL.

Examiner

Matthew s Gart

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MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 5-8 is/are pending in the application.
- 4a) Of the above claim(s) 2-4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 5-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claims 1 and 5-8 were amended via Paper No. 9. Claims 2-4 have been canceled via Paper No. 9. Claims 1 and 5-20 are pending in the instant application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 8-13 and 17-20 are rejected under 35 U.S.C. 102(a) as being anticipated by SEAGULL (PTO-892, Ref U).

Referring to claim 1. SEAGULL discloses a system for enabling performance of electronic commerce transactions (abstract), comprising:

- A central controller for integrating a plurality of legacy systems together to enable an exchange of data relating to an electronic commerce transaction (SEAGULL, paragraph 11, "We're excited to provide organizations with an astonishingly fast way to integrate e-business applications with back-office business functions."), wherein the central controller further comprises
- An application server for implementing logic for performing the electronic commerce transaction between the controller and the plurality of legacy systems (SEAGULL, paragraph 2); and

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- A database for storing data relating to the electronic commerce transaction (SEAGULL, paragraph 2);
- A plurality of APIs associated with the central controller for enabling communications between the central controller using a first protocol and the plurality of legacy systems using at least one different protocol (SEAGULL, paragraph 5, “This transforms legacy applications into a collection of shared services that are easily used by other applications inside and outside the organization”) wherein the plurality of APIs further comprises:
 - A first layer for supporting the first communication protocol used by the central controller (SEAGULL, paragraph 8); and
 - A second layer for supporting a second communication protocol used by a legacy system (SEAGULL, paragraph 8), and
 - An API controller for controlling conversions between the first protocol of the central controller and the at least one different protocol of the plurality of legacy systems (SEAGULL, abstract).

Referring to claim 8. SEAGULL further discloses a system wherein the plurality of legacy systems comprise at least one of business systems, presentation systems, identification systems and transaction systems (SEAGULL, paragraph 2).

Referring to claims 9-13. Claims 9-13 are rejected under the same rationale as set forth above in claims 1 and 8.

Referring to claims 17-20. Claims 17-20 are rejected under the same rationale as set forth above in claims 1 and 8.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-7 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over SEAGULL (PTO-892, Ref U) in view of MIDDLEWARE (PTO-892, Ref V).

Referring to claims 5-7. SEAGULL discloses a system according to claim 1 as indicated supra. SEAGULL does not expressly disclose a system wherein the first layer supports CORBA, EJB, RMI, or MQ interfaces. MIDDLEWARE discloses a system wherein the first layer can support a plurality of different architectures, protocols and networks (MIDDLEWARE, paragraph 4). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of SEAGULL to have included the limitations of MIDDLEWARE as discussed above in order to facilitate software that functions as a translation layer, sits between an application residing on one server and any number of clients that want access to that application (MIDDLEWARE, abstract).

Referring to claims 14-16. Claims 14-16 are rejected under the same rationale as set forth above in claims 5-7.

Response to Arguments

Applicant's arguments filed April 2, 2004 have been fully considered but they are not persuasive.

The Attorney argues that Seagull does not mention nor teach the use of a central controller for integrating a plurality of legacy systems together to enable an exchange of data relating to an electronic commerce transaction.

The Examiner notes, Seagull does teach a method to integrate e-business (electronic commerce transactions) applications with back-office (legacy systems) business functions. Transidiom makes it easy for EAI middleware, application server and portal software to integrate with legacy systems and maximize the value of B2B and A2A investments for customers (paragraph 11).

The Attorney argues that Seagull in paragraph 8 does not disclose a first layer for supporting a first communication protocol the first communication protocol used by the central controller; and a second layer for supporting a second communication protocol used by a legacy system.

The Examiner cites particular paragraph numbers in the references as applied to the claims for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

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Furthermore paragraph 8 of Seagull does disclose a Transidiom Server which includes an application integration server which processes incoming XML, Java or COM request (first communication protocol used by the central controller) for host application services, invokes and operates the host application (second layer for supporting a second communication protocol used by a legacy system), and returns the output in XML, Com or Java.

The Attorney argues that Seagull does not provide enough detail about the missing elements to enable one skilled in the art to practice the claimed invention.

The Examiner notes, "In determining that quantum of prior art disclosure which is necessary to declare an applicant's invention not novel' or anticipated' within section 102, the stated test is whether a reference contains an enabling disclosure'... ." In re Hoeksema, 399 F.2d 269, 158 USPQ 596 (CCPA 1968). A reference contains an "enabling disclosure" if the public was in possession of the claimed invention before the date of invention. "Such possession is effected if one of ordinary skill in the art could have combined the publication's description of the invention with his [or her] own knowledge to make the claimed invention." In re Donohue, 766 F.2d 531, 226 USPQ 619 (Fed. Cir. 1985).

With reference to Attorney's arguments concerning claims 5-7, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Matthew Gart whose telephone number is 703-305-5355. This examiner can normally be reached Monday-Friday, 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.


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MSG

April 19, 2004



Jeffrey A. Smith
Primary Examiner